

**WESTFIELD-WASHINGTON TOWNSHIP  
ADVISORY PLAN COMMISSION**

<b>Petition Number</b>	0710-REZ-05
<b>Approximate Address</b>	Unassigned ( <i>Northeast corner of US 31 and 161<sup>st</sup> Street</i> )
<b>Petitioner</b>	Pine Tree Acquisitions, LLC
<b>Request</b>	Change the zoning of approximately 63.92 acres from the SF-2 and GB Districts to the GB-PD District.
<b>Current Zoning</b>	SF-2 and GB
<b>Approximate Acreage</b>	63.92 acres
<b>Associated Petitions</b>	0703-REZ-05    Modify commitments of previous zoning 0101-REZ-01    Rezone from AG-SF-1 to GB
<b>Exhibits</b>	1) WCD Staff Report, 11/26/07 2) WCD Proposed Commitments, 11/26/07 2) Petitioner's information packet, 11/14/07

**PETITION HISTORY – NOVEMBER 26, 2007**

The November 26, 2007 appearance of this petition represents the second appearance before the Westfield-Washington Township Advisory Plan Commission.

This petition appeared before the Westfield-Washington Township APC for public hearing on October 22, 2007. Following the October 22, 2007 public hearing, this item was forwarded to the Comprehensive Plan Subcommittee for detailed consideration on November 7, 2007. The CPSC opted to return this petition to the full APC with a recommendation to forward a negative recommendation to the Westfield Town Council.

This petition appeared before the Westfield Town Council for initial consideration at the October 8, 2007 Town Council meeting. No second consideration was requested.

**PROCEDURAL**

- Legal notice was provided for the required public hearing for the October 22, 2007 meeting in accordance with all applicable statutes. The public hearing held on October 22, 2007 satisfied all applicable statutes. No additional public hearing is required at this time.
- This petition was reviewed by the Comprehensive Plan Subcommittee of the APC at the November 7, 2007 meeting, as required by the Rules of Procedure. No additional subcommittee appearance is required.
- The Advisory Plan Commission issues a recommendation to the Town Council in regard to proposed changes in zoning.

## **REQUEST**

The proposed change in zoning would provide for the development of the subject site as a multi-tenant non-residential lifestyle center. The parcels subject to this request are identified on the fourth page of Exhibit 2.

The requested GB-PD (General Business-Planned Development) district would provide for the development of the subject site with commercial and office uses. The submitted concept site plan (page five of Exhibit 2) indicates approximately 430,000 square feet of multi-tenant commercial area proposed for the subject site.

## **INTRODUCTION**

The request concerns property located at the northeast corner of the intersection of US 31 and 161<sup>st</sup> Street. The subject site is comprised of four separate parcels, and consists of approximately 63.92 acres. Two of the four parcels are improved with single-family detached dwellings, which appear to be unoccupied as of the time of this report. The other two parcels are unimproved. The majority of the subject site is heavily wooded with dense mature trees, and has extensive topographic relief. A creek enters the subject site at the west property line and crosses the site to the east, where it passes under Union Street through two culverts and drains to the John Beals legal drain.

Properties abutting the subject site to the north are located within the SF-2 District, and are improved with single-family detached dwellings. Property abutting the subject site to the south is located within the LB District, and is unimproved. Properties abutting the subject site to the east are located within the AG-SF-1 District, and are either unimproved or improved with single-family detached dwellings.

The subject site abuts the public rights-of-way of US 31 to the west, 161<sup>st</sup> Street to the south, and Union Street to the east. The subject site abuts US 31 in two separate places, for a total of approximately six hundred and ninety (690) feet of frontage. The subject site has approximately one thousand (1,000) feet of frontage along the north side of 161<sup>st</sup> Street and approximately two thousand, two hundred (2,200) feet of frontage along the west side of Union Street.

## **PUBLIC POLICIES**

### **Comprehensive Plan**

The future land use map included in the Amended Westfield-Washington Township 2020 Plan (pg. 17) identifies the subject site as included in an "Employment Corridor."

The Comprehensive Plan identifies an "Employment Corridor" as consisting of office and service uses, research and development, and retail and institutional uses that are subordinate to and supportive of the office and service uses. The Employment Corridor recommendations (page 52) further anticipate reserving employment corridors for

employment-generating uses and related supporting service uses, as well as limiting industrial uses that would be visible to those that would not have negative land use impacts. The Employment Corridor language makes several recommendations as to appropriate design features, suggesting height, scale, and mass that is appropriate to surrounding areas, and further recommending interior landscaping and landscaping along street frontages.

#### Thoroughfare Plan

The current Westfield-Washington Township Thoroughfare Plan roadway classification map identifies US 31 as a "Primary Arterial 1," and recommends a minimum dedication of a seventy-five (75) foot half right-of-way. The current Thoroughfare Plan also identifies the intersection of US 31 and 161<sup>st</sup> Street as a potential interchange location in the event US 31 is upgraded to limited-access status. Concept plans and preliminary utility plans submitted with this request both indicate reservation of future right-of-way for the anticipated "footprint" of the proposed interchange, as well as the requested seventy-five foot half right-of-way where travel lanes would abut the subject site. No direct access to US 31 is depicted on either the concept plans or preliminary utility plans.

The current Westfield-Washington Township Thoroughfare Plan roadway classification map identifies 161<sup>st</sup> Street as a "Primary Arterial 2," and recommends a minimum dedication of a seventy-five (75) foot half right-of-way. Submitted concept plans and preliminary utility plans depict the provision of the requested right-of-way where the subject site abuts the north side of 161<sup>st</sup> Street.

The current Westfield-Washington Township Thoroughfare Plan roadway classification map identifies Union Street as a "Secondary Arterial," and recommends a minimum dedication of a sixty (60) foot half right-of-way. Submitted concept plans and preliminary utility plans depict the provision of the requested right-of-way where the subject site abuts the west side of Union Street.

The current Westfield-Washington Township Thoroughfare Plan identifies a proposed frontage road extending between the south side of State Road 32 and the north side of 161<sup>st</sup> Street, located between US 31 to the west and Union Street to the east. Preliminary discussions with representatives from the Indiana Department of Transportation have indicated that the limited distance between proposed interchange at 161<sup>st</sup> Street and US 31 and the existing intersection of 161<sup>st</sup> Street and Union Street would necessitate the relocation of the southern terminus of the proposed frontage road. Submitted concept plans and preliminary utility plans depict the provision of right-of-way for the proposed frontage road along the northern property line of the subject site and a connection to the existing right-of-way of Union Street. The proposed frontage road right-of-way would be extended north near the west property line of the subject site to facilitate future connection.

The adopted Westfield Thoroughfare Plan includes Union Street in a "Pedestrian Corridor" as a component of the Bike and Pedestrian Plan section. This policy recommends pedestrian-scale structures and architecture, character, and amenities for the

area abutting Union Street. These parcels are also located in an area identified as a "Pedestrian District." The recommendations associated with a pedestrian district designation further emphasize walkability at the subject site. The Bike and Pedestrian Plan section of the Thoroughfare Plan further recommends the provision of alternative transportation paths within the right-of-way of Union Street, and the Natalie Wheeler Trail currently exists along the west side of the Union Street right-of-way. Submitted concept plans depict an alternative transportation plan within the right-of-way of Union Street should the requested change in zoning be approved.

#### Water and Sewer

The Westfield Water Master Plan depicts the subject site as served by existing mains on the east side of the Union Street right-of-way and the south side of the 161<sup>st</sup> Street right-of-way. The current plan does not identify the size of the existing main, nor does it recommend any increase in size or upgrade in capacity to the existing water facilities. Preliminary utility plans provided at the September 26, 2007 TAC meeting depict a potential connection from the existing water main on the south side of the 161<sup>st</sup> Street right-of-way. Should the requested change in zoning be approved, detailed construction documents for the proposed connection would be provided at the Development Plan Review stage.

The Westfield Sewer Master Plan does not depict any existing sanitary sewer service to the subject site. The Westfield Sewer Master Plan does not make any recommendation as to provision of sanitary sewer facilities at or adjacent to the subject site. Preliminary utility plans provided at the September 26, 2007 TAC meeting depict a potential gravity main along the west side of the Union Street right-of-way, which would terminate at a proposed lift station at the southwest corner of the intersection of 161<sup>st</sup> Street and Union Street. Should the requested change in zoning be approved, detailed construction documents for the proposed gravity main and lift station would be provided at the Development Plan Review stage.

#### Annexation

The subject site is entirely within the corporate limits.

#### US 31 Overlay District

The subject site is located almost entirely within the boundaries of the US 31 Overlay District, with the exception of the northeastern-most corner of the subject site. The US 31 Overlay District establishes several limitations on permitted uses, as well as imposing additional development standards and architectural standards. The requested change in zoning to the GB-PD District would not remove the subject site from the US 31 Overlay District.

### **TECHNICAL REVIEW**

This petition underwent preliminary review by the Technical Advisory Committee at the September 26, 2007 TAC meeting. Comments received from attending agencies resulted

in several requested commitments, reflected in the "Access" and "Infrastructure" sections of the proposed commitments

### **INDIANA CODE**

IC 36-7-4-603 states that reasonable regard shall be paid to:

1. The Comprehensive Plan.

The Amended Westfield-Washington Township 2020 Plan identifies the subject site as included in an "Employment Corridor." The recommendations of the Employment Corridor strongly favor office uses, but do provide for supportive service uses as well.

2. Current conditions and the character of current structures and uses.

The majority of the subject site is unimproved and densely wooded, but is within a zoning district that allows for commercial development. The remaining portion of the subject site is improved with two unoccupied dwellings.

3. The most desirable use for which the land is adapted.

The intersection of major thoroughfares and the planned highway interchange, when coupled with the existing commercial zoning classification of the majority of the subject site, make conservation of the subject site for natural or park purposes unlikely. When the Comprehensive Plan recommendations regarding locating intensive uses near major thoroughfares are considered, it is possible that the proposal may represent the most desirable use for which the land is adapted.

4. The conservation of property values throughout the jurisdiction.

This proposed change is expected to have neutral or positive impacts on property values within the vicinity and jurisdiction.

5. Responsible growth and development.

The subject site is located within the corporate limits, and public services are available at the subject site. The subject site is adjacent to existing major thoroughfares, and anticipated improvements to the subject site would accommodate future improvements to those thoroughfares. Development of the subject site would be consistent with the principle of contiguous growth.

### **RECOMMENDATION**

Forward the Westfield Town Council a recommendation to approve, subject to the proposed commitments.

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AFS



## **COMMITMENTS CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE**

Pine Tree Commercial Realty, LLC (the "Developer") or its Assigns, makes the following commitments to the Westfield Town Council (and the City Council following Westfield's conversion to a city) and Westfield-Washington Plan Commission (collectively, the "City") regarding the use and development of the following described real estate located in Hamilton County, Indiana:

### **Section 1. Description of Real Estate:**

See attached Exhibit "A" (hereinafter, the "Real Estate").

### **Section 2. Docket No.: 0710-REZ-05**

### **Section 3. Statement of Commitments:**

#### **A. GENERAL**

##### **(1) Floor Area Limitations.**

- i. Improvements constructed upon the Real Estate shall be limited to no more than four hundred thirty thousand (430,000) square feet of gross floor area.
- ii. The term "gross floor area" shall mean the total area on the ground floor as measured in square feet. The foregoing shall not prohibit additional development above the ground floor levels.

##### **(2) Maximum Single Use Limitation.**

- i. Only two (2) single uses shall be permitted upon the Real Estate which occupy more than sixty thousand (60,000) square feet of gross floor area.
- ii. The maximum gross floor area of any single use shall be one hundred fifteen thousand (115,000) square feet.

##### **(3) Illustrative Site Plan.**

- i. The Real Estate shall be developed in substantial conformity to the Illustrative Concept Site Plan introduced at the Hearing before the Westfield-Washington Plan Commission (the "Plan Commission") on October 22, 2007, a reduced copy of which is attached hereto for reference purposes as Exhibit "B".

##### **(4) Parking.**

- i. A minimum of four (4) parking spaces shall be provided for each one thousand (1,000) square feet of gross floor area.

##### **(5) Trash Removal.**

- i. Trash and garbage removal by garbage trucks from dumpsters located upon the Real Estate shall not be allowed between the hours of 9:00 PM and 6:00 AM.

##### **(6) Permits.**

- i. Prior to applying for a building permit on the Real Estate, the Developer shall first acquire written consent from the then owner(s) of the Real Estate.

- ii. Once the Developer, its successor(s) or assign(s) closes on a portion of the Real Estate, such written consent shall not be required from the owner of that portion of the Real Estate



**B. ARCHITECTURAL**

**(1) General**

- i. Any proposed development shall conform generally with the Exhibits attached to these commitments, and shall be of a cohesive and consistent architectural character.
  1. "Franchise" architectural elements shall be discouraged, and shall be permitted only when integrated into the larger overall character of the development.

**(2) Height of Buildings.**

- i. The maximum height of any building constructed upon the Real Estate shall not exceed forty-five feet (45') measured to the deck line of a mansard roof or to the height of the highest gable of a pitched or hipped roof. The reference line for measurement purposes shall be the elevation of the highest adjoining sidewalk or ground surface within a ten (10) foot horizontal distance from and paralleling the exterior wall of the building or structure.
- ii. The minimum height of any building abutting the right-of-way of US 31 and Union Street shall be thirty (30) feet, measured as stated above in (B)(1)(i).
- iii. Cupolas, and other similar architectural features, and antennae having a height of up to fifteen feet (15') or a diameter up to eight inches (8"), and satellite dishes having a diameter of up to twenty-four inches (24") shall represent permitted exceptions from the maximum height limitation imposed hereby.

**(3) Internal Façade Requirements.**

- i. Facades of structures not oriented towards abutting public rights-of-way shall be considered Internal Facades.
- ii. Any large single use occupying sixty thousand (60,000) square feet or more (hereinafter referred to as a "Large Use") shall incorporate a internal façade and roof line break ("Architectural Break") as follows:
  1. One (1) Architectural Break shall be incorporated into the internal facade of the building for each thirty thousand (30,000) square feet (or part thereof) of gross floor area occupied beginning at sixty thousand (60,000) square feet up to the maximum size otherwise permitted by these Commitments.
  2. Two (2) Architectural Breaks shall be incorporated into the internal facade of the building for each thirty thousand (30,000) square feet (or part thereof) of gross floor area occupied beginning at seventy-five thousand (75,000) square feet up to the maximum size otherwise permitted by these Commitments.
  3. Three (3) Architectural Breaks shall be incorporated into the internal façade of the building for each twenty-five thousand (25,000) square feet (or part thereof) of gross floor area occupied beginning at ninety-one thousand (91,000) square feet up to the maximum size otherwise permitted by these Commitments.
- iii. Any single use occupying less than sixty thousand (60,000) square feet shall provide at lease one (1) internal facade façade and roof line break.

**(4) External Façade Requirements**

- i. Any façade of any structure oriented to the public rights-of-way of Union Street, 161<sup>st</sup>, and / or US 31 shall be considered an External Façade.
- ii. Any external façade shall include similar building materials, colors and other similar design elements to those used on the internal facade of the building.
  1. Similar design elements shall include window openings or faux window openings, as well as door openings or faux door openings, of a number, arrangement, and spacing consistent with the internal façade of the building.
  2. Similar design elements shall also include lighting elements and fixtures, of a number, arrangement, and spacing consistent with the internal facade.
- iii. External facades of any building abutting the right-of-way of US 31 shall include elevations and façade breaks consistent with those required of internal façades as stated above, in (B)(2)(ii).

**(5) Elevations and Building Materials.**

- i. Any proposed development shall be comprised of a cohesive and consistent palette of building materials, which shall conform generally with those depicted in the Exhibits attached to these commitments.
- ii. All buildings constructed on the Real Estate shall include, or be comprised of a combination of, the following:
  1. decorative concrete wall panels (including pre-cast),
  2. brick, cultured stone, and other masonry,
  3. storefront glazing and EIFS accents.
- iii. Interspacing design elements such as canopies, awnings and pilasters, using complementary colors and architectural components which are consistent with and similar to the conceptual renderings attached to these Commitments shall be provided.
- iv. (JM suggestion – no painted masonry).

**(6) Roof Top Equipment.**

- i. Any roof top heating and cooling equipment, ventilation equipment, refrigeration equipment, condensers or communication equipment (not including antennae having a height up to fifteen feet (15') or a diameter up to eight inches (8") or satellite dishes having a diameter of up to twenty-four inches (24")) shall be completely screened from Union Street, 161<sup>st</sup> Street, US 31, the Adjacent Real Estate and otherwise installed in a manner consistent with, and which complements, the architectural character of the buildings where located, using similar or complimentary building materials, colors and other similar design elements.
- ii. Satellite dishes shall be located so as not to be visible from Union Street, US 31, 161<sup>st</sup> Street or the Adjacent Real Estate.

**(7) Trash Facilities.**

- i. Any stand-alone dumpsters used for trash shall be enclosed on all four (4) sides and the exterior of at least three (3) sides shall be a minimum of six feet (6') in height so as to conceal functions within and finished in materials similar to those used on the buildings for which they provide service.

- ii. The side of any dumpster enclosure which opens to permit use and trash removal shall not be visible from any street.
- iii. No separate or stand-alone dumpster may be placed between the building line of the structure closest to the right-of-way and the rights-of-way of Union Street, 161<sup>st</sup> Street, or US 31.
- iv. Dumpsters and dumpster enclosures must be integrated into the main structure with which they are associated for buildings abutting the rights-of-way of Union Street, 161<sup>st</sup> Street, or US 31.
  - 1. Dumpster enclosures integrated into structures abutting Union Street, 161<sup>st</sup> Street, or US 31 shall be the same height as the building with which they are associated.

**(8) Loading Docks.**

- i. Loading Docks must be oriented perpendicular to the rights-of-way of Union Street, 161<sup>st</sup> Street, and US 31.
- ii. Screening walls shall be provided parallel to the recessed channel associated with any exterior loading dock.
  - 1. The screening wall shall extend the entire length of the loading dock recessed channel, inclusive of tractor & trailer length.
  - 2. The screening wall shall have a minimum height equal to the height of the loading dock overhead door and / or any visible exterior mechanical equipment associated with the operation of the overhead door.
  - 3. Screening walls associated with loading docks shall be subject to the same elevation, building materials, and internal or external façade requirements as the associated building wall they parallel.
- iii. Interior Loading Dock
  - 1. Doors for interior loading docks shall be an integral part of building architecture
  - 2. The interior loading dock area shall accommodate the largest anticipated delivery vehicle for tenants, being inclusive of tractor & trailer.

**C. ACCESS**

**(1) Union Street Ingress and Egress.**

- i. No more than two (2) driveways and curb cuts shall be permitted to provide direct vehicular ingress and egress to/from the Real Estate along Union Street.
- ii. The northern most driveway shall be designed and/or posted to prohibit use by trucks making deliveries to the development.
- iii. The southern most driveway shall be designed to provide vehicular and truck traffic ingress and egress to and from the development.

**(2) US 31 Ingress and Egress.**

- i. No direct ingress and egress to and from the Real Estate shall be permitted along US 31.

**(3) 161<sup>st</sup> Street Ingress and Egress.**

- i. No more than one (1) driveway and curb cut shall be permitted to provide direct vehicular and truck traffic ingress and egress to and from the Real Estate along 161<sup>st</sup> Street. Such driveway shall be designed to allow right-in and right-out ingress and egress only. The right-in and right-out shall remain until the City of Westfield or Indiana Department of Transportation ("INDOT") requires the driveway to be removed. The Developer will not charge the City of Westfield or INDOT to eliminate the right-in and right-out driveway and curb cut off of 161<sup>st</sup> Street.

**(4) Adjacent Parcel Access.**

- i. Subject to working out a reasonable access easement agreement(s) with acceptable terms to the Developer, the Developer shall provide access to the approximately five (5) acres of land immediately adjacent to the Real Estate lying to the west of the Real Estate (the "Adjacent Real Estate").
- ii. The Developer shall permit the use thereof and the use of the west interior access drive located upon the Real Estate and the entrance to the property from the frontage road, to provide a means of vehicular traffic ingress and egress to the "Adjacent Real Estate" as more particularly identified on the Illustrative Site Plan.

**(5) US 31 Future Improvements.**

- i. A portion of the Real Estate along US 31 shall remain undeveloped in order to accommodate INDOT's plans for construction of a vehicular on-ramp along US 31 at its intersection with 161<sup>st</sup> Street and for future utility infrastructure improvements to be made by the City.
- ii. This undeveloped portion of the Real Estate shall be configured in substantial conformity to the Illustrative Site Plan.

**D. INFRASTRUCTURE**

**(1) Union Street Improvements.**

- i. The Developer shall be responsible for the reconstruction of Union Street to City of Westfield Department of Public Works Utility and Infrastructure Construction Standards and Specifications (October, 2006), or such other standards and specifications as agreed to by the City and Developer (collectively, "WDPW Standards")
  1. The Developer shall dedicate all land needed for right of way within the project boundaries necessary for the described Union Street improvements.
  2. The Developer, in coordination with the City, shall acquire such additional land as may be reasonably required to install and construct the Union Street improvements described herein.
  3. The roadway section shall conform to the City's Thoroughfare Plan (as in effect on the date herein).
- ii. The Developer shall construct northbound left turn lanes at both Union Street entrances to the development.
- iii. Southbound right turn lanes shall also be provided at each entrance. Widening of the existing road will be required to accommodate such turn lanes.
- iv. The Developer shall be responsible for constructing any additional box culvert sections, as needed after consultation with the City, under Union Street to accommodate the existing legal drain.

**(2) 161<sup>st</sup> Street Improvements.**

- i. The Developer shall dedicate all land needed for right of way within the project boundaries for the described 161<sup>st</sup> Street improvements and shall be responsible for the reconstruction of the same to WPWD Standards.
  1. The Developer, in coordination with the City, shall acquire such additional land as may be reasonably required to install and construct the 161<sup>st</sup> Street improvements described herein.
  2. The roadway section shall conform to the City's Thoroughfare Plan (as in effect on the date herein).
- ii. The Developer shall construct a northbound right turn lane at the intersection of US 31 and 161<sup>st</sup> Street.
- iii. A westbound turn lane into the right-in and right out driveway shall also be provided.
- iv. Widening of the existing road will be required to accommodate turn lanes.
- v. The Developer shall also construct a two (2) lane roundabout at the intersection of Union Street and 161<sup>st</sup> Street.
  1. The Developer and the City shall coordinate with one another to assure that the roundabout is aligned with the 161<sup>st</sup> Street bridge that crosses over Cool Creek, as reconstructed, and the Developer shall construct the new pavement section from the roundabout up to the bridge.

**(3) 161<sup>st</sup> Street Bridge Improvements.**

- i. The Developer shall only be responsible to pay the City's share of the construction costs relative to the installation of the bridge along 161<sup>st</sup> Street that crosses over Cool Creek. The City's share of the bridge improvements that the Developer shall be responsible for is twenty (20) percent of the total construction costs, which share is now estimated at eighty thousand dollars (\$80,000).

**(4) Frontage Road Improvements.**

- i. The Developer shall construct a frontage road extending from Union Street to the northwest corner of the development.
- ii. The Developer must dedicate all right of way for the frontage road within the project boundaries.
- iii. The frontage road shall adhere to the City's Thoroughfare Plan (as in effect on the date hereof).
- iv. Two (2) access driveways and curb cuts shall be permitted along the frontage road to provide direct vehicular traffic ingress and egress to and from the Real Estate and the adjacent property to the west.

**(5) Traffic Signals.**

- i. The Developer shall pay in full for all traffic signals necessary to serve this project. The signals shall be installed per City standards and must provide Opticom.

**(6) Lift Station Improvements.**

- i. The Developer shall be responsible for installing a regional lift station located at the corner of 161<sup>st</sup> Street and Union Street.
- ii. The Developer will be responsible to connect the regional lift station to the Viking Meadow's lift station.
  1. The regional lift station shall be designed to function in such a manner as to eliminate the Hamilton Square and Cool Creek lift stations by connecting them to the regional lift station with a gravity system.
  2. All hardware from the Hamilton Square and Cool Creek lift stations shall be returned to the City.
- iii. The Developer, in consultation with the City, shall construct the system in accordance with WPWD Standards, and the City shall make the final decision on size and capacity following reasonable consultation with the Developer concerning the necessary size and capacity specifications for such system.

**(7) Fiber Optic Line.**

- i. The Developer shall be responsible for the relocation of the City's fiber optic line that runs along the north side of 161<sup>st</sup> Street.

**(8) Water Main.**

- i. The Developer shall be responsible for the relocation, or replacement, of the 20" water main along the south side of 161<sup>st</sup> Street. The Developer shall relocate or replace the 20" water main in accordance with WDPW Standards.

**E. SITE AMENITIES.**

**(1) General Site Amenities.**

- i. Site amenities shall be provided in the development.
- ii. Amenities include:
  1. Benches;
  2. Bike racks;
  3. Trash receptacles;
  4. Decorative site lighting;
  5. Gazebos;
  6. Fountains;
  7. Seating areas
  8. Outdoor dining areas;
  9. Public art;
  10. Internal vehicle and pedestrian bridges;
  11. Clock tower(s);
  12. Street trees and planters;
  13. Natural landscaped areas
  14. Trail network;

**(2) Stream Enhancements.**

- i. The Developer shall preserve, enhance and relocate portions of the existing stream, running west to east on site.
- ii. A minimum thirty (30) foot wide natural buffer shall be provided on each side of the stream as measured from the centerline of the creek.
  1. The minimum natural buffer may be required to be increased by review agencies with jurisdiction over the proposed creek, including but not limited to FEMA, the Army Corps of Engineers, IDEM, and IDNR.
- iii. The Developer is responsible for submitting and obtaining applicable approvals from all local, state and federal agencies in connection with the initial construction of the project.

**(3) Trails**

- i. During and as part of development of the Real Estate and before completion thereof, a pedestrian trail or path for public use (Monon Trail) shall be completed.
  1. Said trail shall be a minimum of twelve feet (12') in width and in accordance with City's construction standards.
  2. Said trail shall be located within a perpetual, non- exclusive easement of twenty feet (20') in width, which shall be granted to the City. Such easement shall be granted to permit public use of the trail following initial completion by the Developer of the Real Estate at its sole cost and expense.
  3. The trail shall be constructed of a material composition and at a location acceptable to the City, and shall generally be located as depicted on the attached Exhibit B2, or as reasonably agreed otherwise by the Developer and the City.

- ii. During and as part of development of the Real Estate and before completion thereof, pedestrian trails or paths for public use shall be completed within the rights-of-way of Union Street and 161<sup>st</sup> Street.
  - 1. Said trails shall be a minimum of twelve feet (12') in width and in accordance with City's construction standards.
  - 2. The trail shall be constructed of a material composition and at a location acceptable to the City, and shall generally be located as depicted on the attached Exhibit B2, or as reasonably agreed otherwise by the Developer and the City.
  - 3. Said trails shall be permitted to run from within the abutting public rights-of-way into the Development, provided;
    - a. The trail shall be located within a perpetual, non- exclusive easement twenty feet (20') in width, which shall be granted to the City. Such easement shall be granted to permit public use, and
    - b. The location is generally parallel to the associated rights-of-way.

**F. LANDSCAPING**

**(1) Landscaping General.**

- i. Development of the subject site shall comply with the terms of the Westfield-Washington Township Landscape Ordinance in effect at the time Development Plan Review of the subject site is requested.
- ii. Landscaping and screening in addition to that which is required by the terms of the applicable Landscape Ordinance shall be provided in accordance with the following commitments.

**(2) Union Street Road Frontage.**

- i. A landscaped green area approximately Thirty (30) feet in width ("Landscaped Area") running generally along and directly adjacent to Union Street shall be established and maintained as landscaped open space.
- ii. Landscaping within the Landscaped Area shall consist of a combination of living vegetation, including trees, shrubs or hedges, grasses and/or ground cover, planted or transplanted and maintained, or preserved as existing natural vegetation areas (e.g. woods or thickets).
- iii. Loose stone, rock or gravel may be used as a landscaping accent, but shall not exceed fifteen percent (15%) of the Landscaped Area.
- iv. Improvements in the Landscaped Area shall be limited to ponds, benches, and other pedestrian rest facilities or seating areas, trails, paths, sidewalks, driveways (but only to provide ingress and egress), utilities, drainage facilities, light poles and fixtures, walkways, and approved signage.
- v. A generous quantity of trees and shrubs or hedges shall be included as a part of the Landscaped Area.
- vi. Trees may be deciduous shade, deciduous ornamental and evergreen.
  - 1. The minimum size for trees shall be as follows:



- a. two inch (2") caliper at twelve inches (12") measured at DBH at the time of planting for deciduous shade;
  - b. two inch (2") caliper at DBH at the time of planting for deciduous ornamental; and,
  - c. six feet (6') in height at the time of planting for evergreen trees.
2. Trees shall be spaced taking into account height and spread of the species involved at maturity, and a variety of species (not to include white pines or other similar varieties having greater susceptibility to wind damage) shall be employed to provide interest and seasonal color to the Landscaped Area.
  3. All ground cover or grasses shall have a mature height of not more than two and one-half feet (2 1/2).
    - a. Grass species provided as part of a bio-filtration or bio-retention installation ("Rain garden") may exceed this standard, provided they do not impede or obstruct visibility at any street intersection.

**(3) US 31 Road Frontage.**

- i. Developer shall include a screen fence as a part of screening the loading and service areas from US 31.
  1. Said fence shall be a minimum of six feet (6') in height measured from the average finished pavement elevation in the loading and service areas immediately adjacent to the west.
- ii. A partial or full retaining wall may be used on the west side of the fence in lieu of a side slope.
- iii. A serpentine moisture resistant wooden fence (the "Fence") six feet (6') in height with stone capped brick or split block piers interspaced at approximately twenty feet (20') on center (of design as depicted on the Illustrative Site Plan), shall be constructed.

**(4) North Boundary Tree Conservation Area.**

- i. A portion of the Real Estate, no less than sixty feet (60') in width running generally along and directly adjacent to the north boundary of the Real Estate, shall be preserved as a tree conservation area (the "Tree Conservation Area").
  1. An inventory of every tree with a caliper measure of greater than eight (8) inches shall be submitted with any request for development plan approval.
  2. Any inventoried tree within the Tree Conservation Area removed shall be replaced on the subject site at a rate of one caliper inch to one caliper inch.
  3. Beyond the above stated replacement requirement and notwithstanding any other provision of the applicable Westfield-Washington Township Landscape Ordinance, the trees in the Tree Conservation Area shall be preserved to the extent practical, taking into account topographic changes necessitated by development.

- ii. During development of the Real Estate, all existing trees which are to be preserved shall be maintained without injury and with sufficient area for the root system to sustain the tree.
- iii. Protective care and physical restraint barriers at the root line shall be provided to prevent alteration, compaction or increased depth of the soil around the root systems of the preserved trees.
- iv. Developer shall construct the same fence (as described above in Section F(3)(iii) design along the north property line in the tree conservation area.

**(5) Westfield Tree Relocation**

- i. Prior to any site clearing activity, the Westfield Parks & Recreation Department Director or the Director's designee shall be provided access to the subject site for the purposes of identifying trees for relocation to City properties.
- ii. The Developer agrees to relocate the identified trees to the selected City property at the Developer's cost and expense
- iii. Should development of the subject site occur in a phased manner, the City and Developer agree trees may be identified and relocated in phases.

**(6) Maintenance.**

- i. Following completion of the Landscaped Area, including the Fence, the owner or owners of the Real Estate shall, in perpetuity, reasonably: (i) maintain the Fence in a good state of structural condition at all times and make repairs and replacements as necessary and at its or their sole cost and expense; and (ii) maintain the landscaping and periodically replace trees, evergreens or shrubs as reasonably required to maintain the character of the Landscaped Area

**Section 4. Binding Effect**

- A. These commitments are binding upon the Developer, each subsequent owner of the Real Estate and each other person acquiring an interest in the Real Estate, unless modified or terminated.
- B. These commitments may be modified or terminated only by a majority decision of the Westfield City Council.

**Section 5. Effective Date**

The commitments contained herein shall be effective upon adoption of an ordinance by the Town Council of Westfield, Indiana assigning the requested GB-PD zoning district classification to the Real Estate identified in Docket No. 0710-REZ-05.

**Section 6. Recording**

The undersigned hereby authorizes the City to record these commitments in the Office of the Recorder of Hamilton County, Indiana.

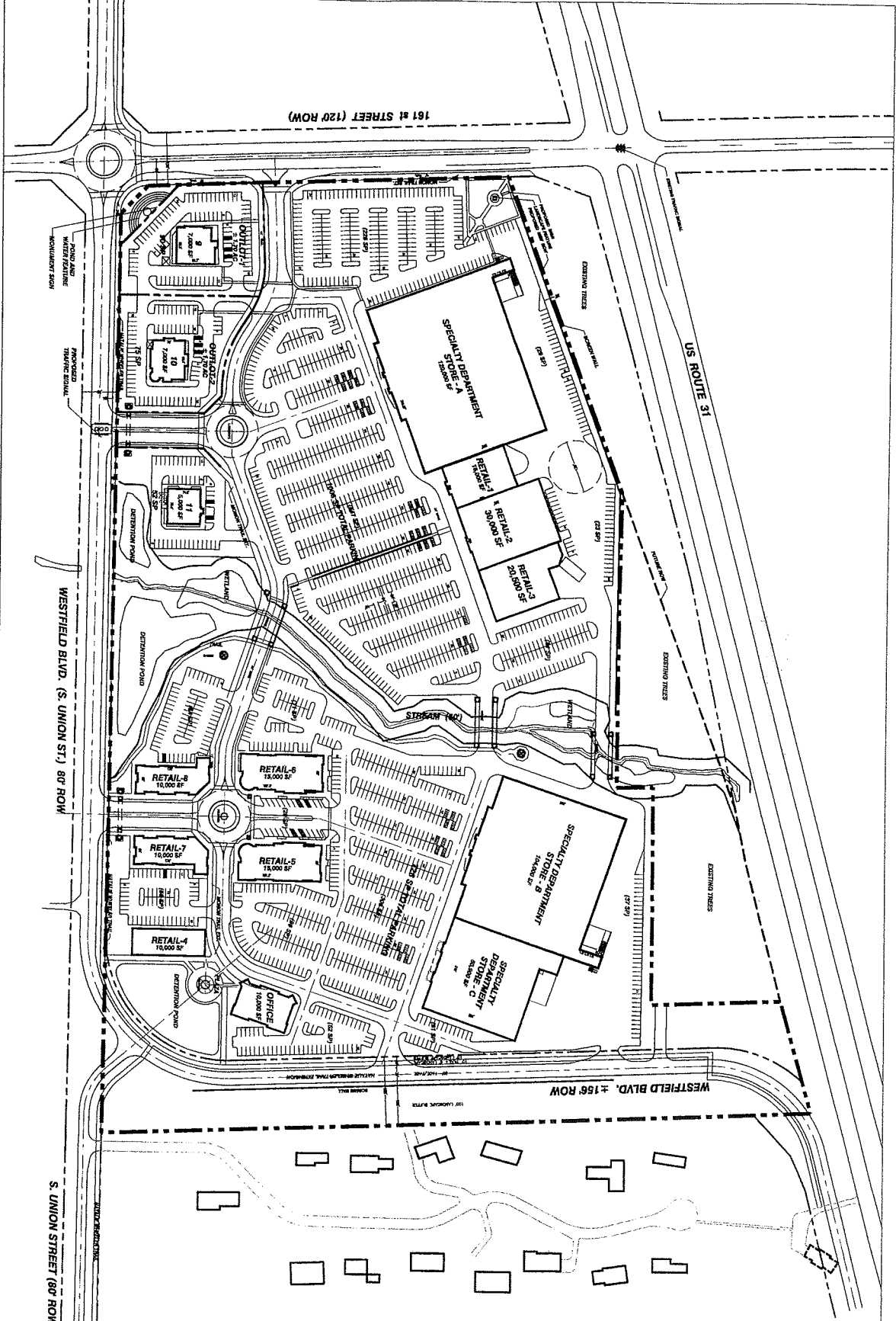
**Section 7.     Enforcement**

These commitments may be enforced by the City Council of Westfield, Indiana.

IN WITNESS WHEREOF, Pine Tree Commercial Realty, LLC, has caused this commitment to be executed as of the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
By: \_\_\_\_\_,  
Pine Tree Commercial Realty, LLC

Reid 11/7/17



**GreenbergFarrow**  
 3405 Salt Creek Lane, Suite 100  
 Arlington Heights, Illinois 60005  
 T 847.788.8200 F 847.788.8235



**LANTERN COMMONS**  
 WESTFIELD, INDIANA  
 (NEC) US RT. 31 & 161st STREET  
 22070071.2

**SITE PLAN**  
 SCALE: 1" = 100' DATE: 11/07/07  
 50' 0' 50' 100' 200' 300'



**PINETREE**  
 COMMERCIAL REAL ESTATE

PROJECT INFORMATION	
SITE AREA	± 58.10 AC.
BUILDING AREA	
SPEC DEPT STORE - A	120,000 SF
SPEC DEPT STORE - B	104,000 SF
SPEC DEPT STORE - C	104,000 SF
RETAIL-1	10,000 SF
RETAIL-2	10,000 SF
RETAIL-3	10,000 SF
RETAIL-4	10,000 SF
RETAIL-5	10,000 SF
RETAIL-6	10,000 SF
RETAIL-7	10,000 SF
RETAIL-8	10,000 SF
TOTAL RETAIL	400,000 SF
OFFICE BLDG.	10,000 SF
TOTAL RET & OFFICE	410,000 SF
OUTLOT-1 BLDG-10	7,000 SF
OUTLOT-2 BLDG-11	7,000 SF
OUTLOT-3 BLDG-12	5,000 SF
TOTAL OUTLOT	19,000 SF
GROSS TOTAL	429,000 SF
PARKING PROVIDED	
RETAIL PARKING @ 0.75	1,325 SP
OUTLOT PARKING	217 SP
TOTAL PARKING	1,549 SP
PARKING RATIO	
RETAIL PARKING	4.22/1000 GFA
OUTLOT PARKING	11.42/1000 GFA
OVERALL RATIO	4.34/1000 GFA

**WESTFIELD-WASHINGTON TOWNSHIP  
ADVISORY PLAN COMMISSION**

<b>Petition Number</b>	0710-REZ-05
<b>Approximate Address</b>	Unassigned ( <i>Northeast corner of US 31 and 161<sup>st</sup> Street</i> )
<b>Petitioner</b>	Pine Tree Acquisitions, LLC
<b>Request</b>	Change the zoning of approximately 63.92 acres from the SF-2 and GB Districts to the GB-PD District.
<b>Current Zoning</b>	SF-2 and GB
<b>Approximate Acreage</b>	63.92 acres
<b>Associated Petitions</b>	0703-REZ-05    Modify commitments of previous zoning 0101-REZ-01    Rezone from AG-SF-1 to GB

**APC MEMBERS PLEASE NOTE:**

Please refer to the original information packet provided for the 10/22/07 APC hearing for this petition. Any additional exhibits provided by the petitioner will be delivered under separate cover at a later date.

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AFS

